

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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THE PENN MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

- against -

ORDER
CV 07-3188(AKT)

ADAM MADOW, ANDREW MARVEL
& PHYLLIS SACHS,

Defendants.

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ANDREW MARVEL, individually, PHYLLIS
SACHS, individually and as preliminary
executrix of THE ESTATE OF MARCIA
MARVEL,

Third-Party Plaintiffs,

- against -

ROBERT MADOW & R. MADOW &
SONS, INC.,

Third-Party Defendants.

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A. KATHLEEN TOMLINSON, Magistrate Judge:

Before the Court is Plaintiff's motion [DE 94] for summary judgment pursuant to Federal Rule of Civil Procedure 56. Having reviewed the parties' submissions and the applicable case law, I am GRANTING, in part, and DENYING, in part, Plaintiff's motion. A substantive written decision will follow.

Dated: Central Islip, New York
March 31, 2010

SO ORDERED.

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge